

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

R. WAYNE JOHNSON,

Plaintiff,

v.

DEPARTMENT OF VETERAN AFFAIRS,

Defendant.

3:19-cv-00395-MMD-CBC

ORDER

I. DISCUSSION

On July 12, 2019, Plaintiff, who is an inmate in the custody of the Texas Department of Criminal Justice, submitted a complaint for writ of mandamus. (ECF No. 1-1). Plaintiff did not pay the full filing fee or apply to proceed *in forma pauperis*. Thus, on September 27, 2019, the Court directed Plaintiff to complete the *in forma pauperis* application or pay the full filing fee by October 27, 2019. (ECF No. 4).

On October 28, 2019, Plaintiff filed an amended complaint, but he again failed to pay the full filing fee or file an application to proceed *in forma pauperis*. (See ECF No. 5). Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate.

Plaintiff will be granted one additional opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff does not file an application to proceed *in forma pauperis* or pay the full filing fee in accordance with this order, the Court will recommend that the action be dismissed.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court **SHALL SEND** Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,

1 as well as the document entitled information and instructions for filing an *in forma pauperis*
2 application.

3 **IT IS FURTHER ORDERED** that within **thirty (30) days** from the date of this order,
4 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
5 the correct form with complete financial attachments in compliance with 28 U.S.C. §
6 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
7 fee and the \$50 administrative fee).

8 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,
9 the court will enter a report and recommendation to dismiss this action.

10 **DATED:** November 8, 2019.

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13 UNITED STATES MAGISTRATE JUDGE

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